

Appl. No. 10/032,962
AmdtAF dated March 21, 2005
Reply to Final Office Action of February 3, 2005

REMARKS

Applicant has carefully reviewed the Final Office Action mailed February 3, 2005, prior to preparing this response. Currently claims 1-5 and 7-22 are pending in the application, wherein claims 7, 9, 10, 15 and 17-22 have been withdrawn from consideration. Claims 1-5, 8, 11-14 and 16 have been rejected. Claims 1, 4, 11 and 14 have been amended with this paper. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner states, "[c]laim 4 is confusing and inaccurate since the unit length of the balloon or waist is not seen to decrease in a distal direction." Claim 4 has been amended to more clearly describe the invention by including language inadvertently omitted from the claim. Applicant asserts this amendment clearly overcomes the rejection.

Claim 4 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts there is no support in the original disclosure for the limitation "to cause the unit length to decrease in a distal direction." Claim 4 has been amended to more clearly describe the invention by including language inadvertently omitted from the claim. Support for the amendment may be found, for example, at page 8, lines 1-19. Applicant asserts this amendment overcomes the rejection.

Claims 1-5, 8, 11-14 and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Sugiyama et al. (U.S. Patent No. 4,964,853). Applicant respectfully traverses this rejection. In order to anticipate or support an obviousness rejection, the reference must teach each and every limitation of the claimed invention. Sugiyama et al. fail to do so.

Sugiyama et al. teach a catheter having an expansible member in communication with a second and third lumen of a catheter. At no point do Sugiyama et al. teach a balloon waist including a plurality of voids configured such that the balloon waist will have a reduced profile over a substantial portion of the balloon waist as claimed in claim 1. Applicant asserts the taper on waist 7 at the extreme distal end of the expansible member, which the Examiner suggests is a plurality of voids, is not configured to provide the balloon waist with a reduced profile over a

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substantial portion of the balloon waist. To the contrary, as shown in Figure 1 of Sugiyama et al., such a taper only provides the "extreme distal end" with a reduced profile. For at least this reason, Applicant asserts Sugiyama et al. fail to teach the invention recited in claim 1. Claims 2-5 and 8 depend from claim 1. Therefore, they are also believed patentable over Sugiyama et al.

Claim 11 teaches a balloon for a balloon dilatation catheter including a means for decreasing the material volume per unit length over a substantial portion of the length of the balloon waist. Applicant asserts Sugiyama et al. at least fail to teach this element of the claimed invention. As discussed above, the taper at the "extreme distal end" of the catheter taught in Sugiyama et al. necessarily is not a means for altering the material volume per unit length over a substantial portion of the balloon waist subsequent to thermal reformation. For at least this reason, Applicant asserts Sugiyama et al. fail to teach the invention recited in claim 11. Claims 12-14 and 16 depend from claim 11. Therefore, they are also believed patentable over Sugiyama et al.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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